

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**M E M O R A N D U M**

Honorable Lawrence K. Karlton  
Senior United States District Judge  
Sacramento, California

**RE: Mark Anthony JARVIS**  
**Docket Numbers: 2:01CR00150-01**  
**2:04CR00204-01**  
**THIRD-PARTY RISK DECLARATION**

Your Honor:

Mr. Jarvis is currently under supervision on the above matters and the issue of a third-party risk to his new employer is the matter on which the Court's guidance is being sought.

Mr. Jarvis was originally sentenced on April 30, 2002, in Docket Number 2:01CR00150-01, subsequent to his plea of guilty to a violation of 18 USC 1029(a)(2) - Fraud in Connection with Access Devices, a Class C felony. Later in a violation of supervised release, on February 15, 2005, supervised release was revoked. The releasee was committed to the Bureau of Prisons for a term of 10 months, to be served consecutively with the term imposed in Docket Number 2:04CR00204-01, followed by a term of supervised release for 36 months, to run concurrently with a term of supervised release ordered in Docket Number 2:04CR00204-01. On February 15, 2005, in Docket Number 2:04CR00204-01, the offender was committed to the Bureau of Prisons for 12 months to be served consecutively to the sentence imposed in Docket Number 2:01CR00150-01, followed by a term of 36 months of supervised release (a violation of 18 USC 152(3) - False Statement on a Bankruptcy Petition, a Class D felony).

Standard Condition Number 13 states: "As directed by the Probation Officer, the defendant shall notify parties of risk that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement."

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After Mr. Jarvis' most recent release from prison, he was able to secure a position with the State of California as a Associate Governmental Program Analyst for the California Department of Alcohol and Drug Programs. The releasee indicates that the State of California's application does not make an inquiry about any felony convictions and because he resigned from his previous state position with the Controller's Office (before incarceration), the State is most likely unaware of his convictions. Because this is his second conviction for an offense involving theft or fraud, Mr. Jarvis' honesty comes into question. My concern is that the California Department of Alcohol and Drug Programs may need to be notified of one or both convictions.

Mr. Jarvis has provided a copy of his job description, which is on file in the United States Probation Office, and it essentially describes his working title as a Fiscal Analyst. The job description has been received and it states a large amount of time is spent interpreting and analyzing data, making phone calls and providing customer service to county and direct contract providers, and that he must process and analyze county and direct contract Drug Medi-Cal claims for reimbursement. He has to analyze claims to identify and resolve problems to insure legal and accurate reimbursement of federal funding dollars and to enter claims into a database. He must also insure that the maximum rates per unit of service are not exceeded, make adjustments as appropriate, and submit claims to the Department's accounting branch for payment. He has to work with County Alcohol and Drug Program administrators to resolve budget problems, potential audit areas, and identify unresolved issues and make recommendations to management. He also has to reconcile allocation figures and accounting payment history with costs reports and provide technical assistance to counties.

Because of Mr. Jarvis' documented history of being dishonest both on a bankruptcy petition and through identity theft, it is my position that his direct supervisor with the State of California, should be aware of his criminal past. The Court's guidance is sought regarding this issue.

**RE: Mark Anthony JARVIS**  
**Docket Number: 2:01CR00150-01**  
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Respectfully submitted,

/s/Lori L. Koehnen  
**LORI L. KOEHNEN**  
**Senior United States Probation Officer**

**DATED:** November 8, 2006  
Sacramento, California  
LLK/cp

**REVIEWED BY:** /s/Kyriacos M. Simonidis  
**KYRIACOS M. SIMONIDIS**  
**Supervising United States Probation Officer**

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**ORDER OF THE COURT:**

- ☐ The probation officer shall place this matter on the court's calendar for a hearing.
- ☐ The defendant shall declare his Fraud in Connection With Access Devices felony to his employer.
- ☐ The defendant shall declare his False Statement on a Bankruptcy Petition to the employer.
- ☒ The defendant shall declare both convictions, Fraud in Connection With Access Devices and False Statement on a Bankruptcy Petition, to the employer.
- ☐ The defendant is not required to declare his convictions to his employer.

November 8, 2006  
**Date**



**LAWRENCE K. KARLTON**  
**Senior United States District Judge**